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Chambers of Vincent L. Briccetti

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TYREK DUBOSE,

Plaintiff,

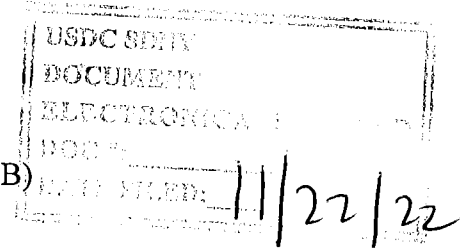
v.

C.O. JIMINEZ, et al.,

Defendants.  
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**ORDER**

22 CV 2124 (VB)



Plaintiff, who is proceeding pro se and in forma pauperis, commenced this action on March 14, 2022. (Doc. #1). On September 30, 2022, defendants filed a partial motion to dismiss. (Doc. #62). On October 27, 2022, the Court sua sponte extended plaintiff's deadline to oppose the motion to November 28, 2022, and defendants' deadline to file a reply, if any, to December 12, 2022. (Doc. #65).

On November 17, 2022, the Court received from plaintiff (i) a motion for appointment of counsel (Doc. #66); and (ii) a request for a 30-day extension to oppose defendants' partial motion to dismiss. (Doc. #68).

Accordingly, it is HEREBY ORDERED:

1. The Court has considered the type and complexity of this case, the merits of plaintiff's claims, and plaintiff's ability to present the case. The Court, in its discretion, does not find exceptional circumstances in plaintiff's case warranting the appointment of counsel at this time. See 28 U.S.C. § 1915(e)(1); Cooper v. A. Sargenti Co., 877 F.2d 170, 172 (2d Cir. 1989). **Accordingly, plaintiff's request for the appointment of counsel is DENIED WITHOUT PREJUDICE for renewal at an appropriate time in the future.**

2. Plaintiff's deadline to oppose defendants' partial motion to dismiss is extended to **December 28, 2022**. Defendants' reply, if any, is due **January 11, 2023**.

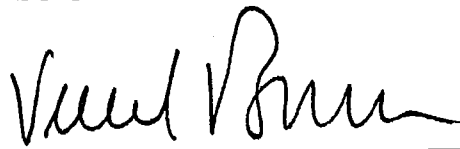
The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

The Clerk is instructed to terminate the motion. (Doc. #66).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: November 21, 2022  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge